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Off. Act. Dated: 11/02/2005

REMARKS/ARGUMENTS

Reconsideration of this application is respectfully requested in view of the foregoing amendments and discussion presented herein.

1. **Rejection of Claims 17-18 and 29-30 under 35 U.S.C. § 112.**

Claims 17-18 and 29-30 were rejected under 35 U.S.C. § 112 as being indefinite with regards to the term "sufficient".

Claims 17 and 29 have been amended to remove the phrase "sufficient level of" as a limitation for the match operation.

Claims 18 and 30 depend from Claims 17 and 29 and do not contain the phraseology which was objected to by the Examiner.

2. **Rejection of Claims 1-5 and 21-28 under 35 U.S.C. § 102(b).**

Claims 1-5 and 21-28 were rejected under 35 U.S.C. § 102(b) as being anticipated by Baron (U.S. Patent No. 6,549,388).

It is respectfully requested that this amendment be considered as this is the first opportunity Applicant has had to address the Baron reference which first surfaced in this final office action.

Aspects of the Baron reference do not comport to what is taught in the pending independent claims of the instant application.

Claim 1. Independent Claim 1 is directed to a method of identifying photographic opportunities. One aspect recited in the claim is the maintenance of a user profile **describing the photographic interests of a user.**

This aspect of the invention does not comport to teachings from the Baron reference provided in support of this aspect, specifically, column 7, lines 54-67:

"According to the embodiment, the type of information provided by database 300 (or 20) to display 12 includes information to aid a user in selecting a nearby site for visiting, and navigational information for guiding the user to a preferred photo-spot for capturing a preferred view of the site. For example, according to one embodiment, using command keys 42, the user is able to scroll through a list of nearby sites on display 12 and select a site to preview. The preview includes photographs of the site which have been added to the

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database by previous users or by this user at a previous time, to allow the user to determine if the site is worth visiting are to allow the user to see if this scene is different from his/her last picture. If the user keys in a desire to visit the site, navigational information to the site is provided. In addition, the system preferably provides the user with navigational information to the area where the selected previous photograph was taken."

Looking at the above section, and the Baron reference in general, no teaching can be found about a user profile which specifically describes the interests of the user. The relied upon teaching, reproduced above, describes only that the user can preview photos related to sites and can preview photographs added to the database by this user or other users. According to Baron, the user can use the preview *"to determine if the site is worth visiting are (or) to allow the user to see if this scene is different from his/her last picture"*. There is no discussion about user profiles describing photographic interests of the user.

It should be noted that this aspect of the invention is important and relied-upon by later elements of the claim to describe on what the generation of photo suggestions is based upon, specifically: *"photographic interests within said user profile"*.

Claim 1 has also been amended to even more clearly distinguish over the reference. In particular, the element *"maintaining a user profile describing the photographic interests of a user"*, has been expanded with the phrase *"as content types in which the user has expressed interest"*. Baron provides no discussion of content types and in particular nothing related to content types for a user profile of user interests.

Support for an anticipation rejection requires that every claim element must be taught or inherent in a single prior art reference, MPEP §706.02a. In view of this discussion, Claim 1 is not anticipated by the relied-upon Baron reference.

Therefore, Claim 1 and the claims that depend therefrom are not anticipated by the relied upon reference, wherein the rejection of Claim 1 and the claims which depend therefrom should be withdrawn.

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Claim 21. Independent Claim 21 is drawn to a system for suggesting local photo opportunities. The rejection of Claim 21 for anticipation by Baron suffers a similar lack of support as described with reference to Claim 1, above.

Specifically, portions of Claim 21 describe *"a storage module configured for storing a user profile wherein the user profile includes at least one content type; and a review module configured for providing at least one suggestion based on the content type and the geographical location of the camera device"*.

Baron does not describe the use of a user profile containing "content types", or similar mechanisms. The same support is provided in support of the rejection of Claim 21 as was provided in support of Claim 1, specifically column 7, lines 54-67. However, this teaching from Baron does not comport to Applicant's claimed elements as discussed in relation to Claim 1 above. Support for an anticipation rejection requires that all elements of the claim be found in the relied-upon reference. Consequently, support is lacking for an anticipation rejection of Claim 21.

Furthermore, Applicant has amended Claim 21 to provide additional clarity and distinction over the reference. Specifically the phrase *"describing photographic interests of a user"* was added in a similar manner as recited in Claim 1.

Accordingly, Claim 21 is not anticipated by the relied-upon Baron reference, wherein the rejection of Claim 21 and the claims which depend therefrom should be withdrawn.

Claim 28. Independent Claim 28 is drawn to a computer readable medium having computer executable instructions for performing a method of suggesting photo opportunities within a local area. The rejection of Claim 28 for anticipation by Baron suffers a similar lack of support as described with reference to Claim 1, above.

Specifically, portions of Claim 28 describe *"sensing a user profile describing the photographic interests of a user"*. Later elements of the claim rely on this aspect to describe how the photo suggestions are generated, specifically: *"photographic interests within said user profile"*.

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Baron does not describe the use of a user profile containing content types. The same support is provided for this section of Claim 28 as was provided in support of the rejection of Claims 1 and 21, specifically Column 7, lines 54-67. This section of the Baron reference, as previously mentioned, does not comport to the claim elements as discussed in relation to Claim 1 and Claim 21 above. Support for an anticipation rejection requires that all elements of the claim be found in the relied-upon reference. Consequently, support is lacking for an anticipation rejection of Claim 28.

Furthermore, Applicant has amended Claim 28 to provide additional clarity and distinction over the reference. Specifically the element describing sensing the user profile has been amended to: "*sensing a user profile describing the photographic interests of a user as content types in which the user has expressed interest*", wherein the underlined portion is the phrase added by amendment.

Accordingly, Claim 28 is not anticipated by the relied-upon Baron reference, wherein the rejection of Claim 28 and the claims which depend therefrom should be withdrawn.

Claims 2-5 and 22-27. Dependent Claims 2-5 and 22-27 are progeny of independent claims whose novelty in relation to the Baron reference has been discussed. These claims should thereby be considered *a fortiori* allowable.

It should be noted that a number of these claims also provide additional distinctions over the Baron reference. By way of example, Claims 5-6 and 27 recite aspects of the content type which describes the photographic interests of the user, an aspect not taught by the relied-upon references.

3. Rejection of Claims 3, 6, 8, 10-16 and 19-20 under 35 U.S.C. § 103(a).

Claims 3, 6, 8, 10-16 and 19-20 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Baron (U.S. Patent No. 6,549,388) in view of Wall et al. (U.S. Patent No. 6,731,239).

Claim 10. Independent Claim 10 describes a system of identifying photographic opportunities in response to a user profile, and in which the geographic limits are

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dynamically varied when generating suggested photo opportunities based on that user profile.

In support of the rejection a combination with Wall is put forth to address the adjustment of distance around the geographic location of the user. First, this combination does not overcome the shortcomings as addressed with regard to the rejection of Claims 1, 21 and 28 (above) relating to the user profile. Secondly, the adjustment of geographic distance by Wall, does not address changing the geographic range based on both the location and the content types as defined in the user profile. The recitation from Wall put forth in support of the rejection (column 4, lines 61-65) describes limiting information by reducing the given distance around the position coordinate, yet does not relate the aspects of the content type for the user profile. The combination does not therefore result in Applicant's invention as claimed, and the shortcomings of the Baron reference as applied to the other Independent claims 1, 21 and 28.

Accordingly, the Baron reference does not teach what it is purported to teach, while the combination with Wall reference does not result in the Applicant's invention as claimed.

Applicant has amended independent Claim 10 in the similar manner as that of Claims 1, 21 and 28 described previously to recite aspects of the user profile in greater detail.

Therefore, as necessary support does not exist for an obviousness rejection against independent Claim 10, Applicant respectfully requests that the rejection of independent Claim 10 should be withdrawn.

Claim 11. Independent Claim 11 describes method aspects relating to the identification of photographic opportunities in response to a user profile, and in which the geographic limits are dynamically varied when generating suggested photo opportunities based on that user profile.

In similar manner as with Claim 10, a combination with Wall is put forth in

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support of the rejection to address the adjustment of distance around the location. As mentioned above, the proposed combination does not overcome the shortcomings as addressed with regard to the rejection of Claims 1, 21 and 28 (above) relating to the user profile. In addition, the adjustment of geographic distance by Wall, does not address changing the geographic range based on both the location and the content types as defined in the user profile. The recitation from Wall put forth in support of the rejection (column 4, lines 61-65) describes limiting information by reducing the given distance around the position coordinate, yet does not relate the aspects of the content type for the user profile. The combination does not therefore result in Applicant's invention as claimed, and the shortcomings of the Baron reference as applied to the other independent claims 1, 21 and 28.

It should be appreciated that the user profile is an important aspect of the invention, and to which a number of claims depend which provide more detailed information about the content type within the user profile. These aspects are not addressed by the relied-upon references.

Accordingly, the Baron reference does not teach what it is purported to teach, while the combination with the Wall reference does not result in the Applicant's invention as claimed.

Applicant has also amended independent Claim 11 in a similar manner as that of Claims 1, 10, 21 and 28 described previously to recite aspects of the user profile in greater detail.

Therefore, as insufficient support exists for an obviousness rejection against independent Claim 11, Applicant respectfully requests that the rejection of independent Claim 11, and against the claims which depend therefrom, be withdrawn.

Claims 3, 6, 8, 12-16 and 19-20. Dependent Claims 3, 6, 8, 12-16 and 19-20 are progeny of independent claims whose novelty in relation to the Baron reference has been discussed. These claims should thereby be considered *a fortiori* allowable.

It should be noted that a number of these claims provide additional distinctions

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and clarification over the cited references.

Claim 8. Claim 8 depends from dependent claim 5 and independent Claim 1, and recites a mechanism for reducing suggestions by "*narrowing an area around the geographic location*" or by "*tightening a requirement that the content type of each suggestion match the user profile*". The combination of Wall and Baron still clearly does not provide support for tightening the matching with the content type. This aspect is taught in the specification of the instant application on page 14, line 16 through page 15, line 20.

"In one embodiment, the listings within the picture opportunity database are narrowed and refined based on the unique profile. For example, if the unique profile reflects that historic buildings are of interest, then the listings with the content type related to historical buildings are retained. In one embodiment, the number of retained listings ideally would not overwhelm the camera device while still providing the camera device with choices to select. For example, in one instance, having between 5 to 10 listings from the picture opportunity database allows enough choices without overwhelming the user and the camera device. ...the content type is expanded and broadened when there are not enough listings to present to the camera device in one embodiment. In this instance, instead of selecting "historic buildings" as the content type, "buildings" is utilized as the content type. Similarly, the content type is narrowed when there are not enough listings to present to the camera device in one embodiment. In this instance, instead of selecting "historic buildings" as the content type, "historic buildings in historic areas" is utilized as the content type. Further, the content type is expanded and broadened when there are not enough listings to present to the camera device in one embodiment. In this instance, instead of selecting "historic buildings" as the content type, "buildings" is utilized as the content type. In Block 630, the listings identified in the Block 620 are suggestions that are transmitted to the camera device."

It should be noted that Claim 8 was amended to strike the reference to narrowing of the geographic location, which was stated in the alternative, to recite this important aspect of the claim with greater particularity.

Claim 20. Dependent Claim 20 recites aspects of the content type which describes the photographic interests of the user, an aspect not taught by the relied-upon references. Specifically, Claim 20 describes "*detecting a content type of the*

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captured image". In support of this aspect, Examiner relies on column 8, lines 20-28 of Baron, given below for convenience.

"In accordance with another aspect of the invention, camera 400 may be adapted to provide locational information and/or imaging data on the photographs taken by the camera 400. As will be appreciated by one of ordinary skill in the art, this information may be of use to the user for her own purposes, of use to future visitors to the photographed site in search of a photo-spot, or of use to other persons or parties desiring locational or imaging information about the photograph."

However, as can be seen, there is nothing in this section of the reference which comports to classifying the content of images and more specifically detecting content types of captured images. The reference only describes the providing locational or imaging data on the photographs - which is largely an aspect conventionally performed on cameras that include camera setting information plus date and time with the addition of GPS coordinates. There is nothing in the Baron reference which performs or makes use of image classification, as recited in claim 20 and its parent claim 19, which describes updating the user profile based on these captured images.

Accordingly, claims within this group of dependent claims, which should be considered *a fortiori* allowable, provide additional grounds for patentability.

4. Rejection of Claims 17-18 and 29-30 under 35 U.S.C. § 103(a).

Claims 3, 6, 8, 10-16 and 19-20 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Baron (U.S. Patent No. 6,549,388) in view of Hunter et al. (U.S. Publication No. 2003/0020816).

Claims 17-18 and 29-30 are dependent claims within the application which are progeny of independent claims which have been shown to be patentable over the relied-upon references.

It should also be recognized that the Hunter reference teaches an ability to replace the pre-programmed sample images with images collected during a tour, as described in the first paragraph [0017] of the Summary of the Invention. This section of

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the Hunter reference states, "*Thus, in accordance with the present invention, there is provided a storage device for connection to, or incorporation in, and image capturing device, said storage device having stored therein pre-programmed information relating to one or more locations, areas or places, said information being stored in such a way as to enable a user to selectively add to, or otherwise modify, said information and store said modified information in said storage device.*"

Clearly the Hunter reference does not teach mechanisms for altering a user profile based on the images, and more specifically to alter the content types contained in the user profile based on the images. In view of the above discussion, it will be appreciated that the Hunter reference used in combination with the other references remains moot in regards to obviating the aspects of the invention recited in the independent claims.

Therefore, Claims 17-18 and 29-30 should be considered *a fortiori* allowable in view of the parent claims.

5. Amendments to Claims 1, 8, 10, 11, 17, 21, 28 and 29.

Claim 1, 10, 11, 21 and 28. Independent Claims 1, 10, 11, 21 and 28 were amended to clarify the description of the user profile. In particular the photographic interests of a user are described in Claim 1 "as content types in which the user has expressed interest" and similar wording in the other independent claims. Support for the profile indicating content types is found in pending claims 5, 6, 8, 19, 20 and 27, as well as within the specification, such as at page 13, lines 3-10.

Claim 8. Dependent Claim 8 has been amended to strike one of the alternatives for reducing the number of suggestions provided, while retaining the tightening of the matching requirement based on the content type.

Claims 17 and 29. Dependent Claims 17 and 29 have been amended to remove the phrase "*sufficient level of*" as objected to by the Examiner.

Claim 21. Independent Claim 21 was amended to replace the term "*creates a user profile*" with "*updates the user profile*". The change provides improved antecedent

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basis as the user profile is typically already established as described in the specification. Support is found in pending claim 19 which describes "*updating*" of the user profile based on images. In addition, the specification supports these references for "*updating*" of the user profile based on photos is found in the specification, such as including page 6, lines 14-16.

6. Amendments Made Without Prejudice or Estoppel.

Applicants have made these amendments in order clarify the claimed material and expedite allowance of the subject matter. However, Applicants do not acquiesce in the original ground for rejection with respect to the original form of these claims. These amendments have been made without any prejudice, waiver, or estoppel, and without forfeiture or dedication to the public, with respect to the original subject matter of the claims as originally filed or in their form immediately preceding these amendments. Applicants reserve the right to pursue the original scope of these claims in the future, such as through continuation practice for example.

7. Conclusion.

Based on the foregoing, Applicant respectfully requests that the various grounds for rejection in the Office Action be reconsidered and withdrawn with respect to the amendments and arguments presented herein, and that a Notice of Allowance be issued for the present Application to pass to issuance.

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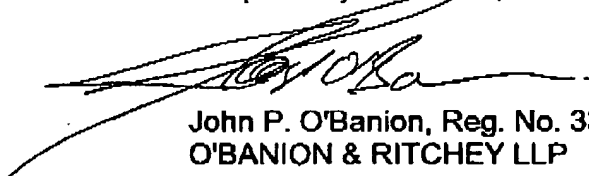
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In the event any further matters remain at issue with respect to the present Application, Applicant respectfully requests that the Examiner please contact the undersigned below at the telephone number indicated in order to discuss such matters prior to the next action on the merits of this Application.

Date: 12/30/05

Respectfully submitted,



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